The L.A. Bicycle License Controversy

Posted At : December 31, 2008 6:20 AM | Posted By : Rick Bernardi
Related Categories: Bicycle licenses

(NOTE: This Velologue post was originally posted on BicycleLaw.com)

Recently, in Legally Speaking, we reported on proposals in Portland and Seattle to implement bicycle taxes, and expanded on that Legally Speaking column in our blog post "A Bicycle Tax?" In response to that blog post, reader Rich Wilson raised some questions about a controversy brewing in Los Angeles over recent enforcement efforts:

> When that Seattle Times article came up, a list I subscribe to discussed various rider and bike registration fees. Someone reported that LA has a bike registration (I think it's $4?) and that the police will ticket you for it ($161 fine?), but that it's pretty hard to actually get a registration, as they only sell them a few hours of the week. Anyone from LA have more info? Any advice, Bob, for how one might fight such a thing in court? It doesn't sound like something your avarege citizen could successfully argue in traffic court.

We looked into it, and just as Rich reported, there has indeed been at least one ticket issued for riding an unlicensed bike. Here's what happened.

On September 12, a reported 1300 riders were taking part in "VeganBananaPenis," a themed mass ride in Los Angeles, in which many participants were dressed as, um, vegan banana penises. At least one of the riders was stopped by the police for running a red light, and a rider known as Roadblock stopped to wait. While he was stopped, the police decided to see if they could rustle up some charges against Roadblock too. They began by checking for front and rear lights, which he had (and what would they have done if he wasn't equipped with a rear light?). Failing to find a lights violation, they checked to see if his bike was licensed. It wasn't, and they handed him a ticket resulting in a $160 fine, payable only in person at the Los Angeles County Superior Courthouse.

As Roadblock subsequently discovered, acquiring a bicycle license is as difficult to accomplish as paying the fine. As reported in the LA Weekly,

> only two stations in the entire city are authorized to sell bike licenses (Central Station, near Skid Row, and the Department of Public Safety, near USC), and only on certain days (Tuesday and Thursday), and only at certain times (10 a.m. to 8 p.m.). Bike licenses are not available online...

Roadblock's response to the official harassment was a two-pronged strategy. First, Roadblock organized a campaign of what he calls "Civil Obedience," in which large numbers of cyclists applied for licenses at the two stations, overwhelming the already over-worked officers with $3 bicycle license applications. As Roadblock observed, “I know the cops who stopped us, and they never bothered us again.”

The second prong of Roadblock's strategy was to make the issue public, including bringing the issue to the attention of the Los Angeles County Bicycle Coalition, the City of Los Angeles Bicycle Advisory Committee, and the Los Angeles City Council Transportation Committee. At a Transportation Committee meeting, an estimated 100 cyclists attended to ask the Committee to either repeal the ordinance, or to modify the ordinance to make a violation a "fix-it" offense. The Los Angeles County Bicycle Coalition has taken on the issue as one of its current projects. According to the Coalition,

> Recent research has shown that there are some language discrepancies between the California Vehicle Code and the Los Angeles Municipal Code with regards to this law, which renders it unenforceable and illegal. At this point, the bicycle license ordinance is in the City Council's court. LACBC is currently doing some more research on the actual legality of the Bicycle License Law as written and is working to resolve the issue.

So it turns out the information you have is correct, Rich. As far as fighting one of these tickets, it would depend

upon the language of the ordinance and the facts of the case, but generally speaking, it's probably pretty hard to do-- after all, you either have a bike license, or you don't. One approach that might work-- and we emphasize might-- would be to get a license as soon after your ticket as you can, go to court, plead guilty, and offer the explanation that you've corrected the problem, and ask for leniency. The court might dismiss the citation, or perhaps more likely, might reduce the fine. The most interesting, and perhaps most successful defense, however, may rest upon the argument of the Los Angeles County Bicycle Coalition that **the Los Angeles ordinance is in conflict with state law, and therefore, unenforceable**. It's not clear exactly what provisions the LACBC is basing its argument upon; however, the argument probably stems from discrepancies between the following provisions:

Under Section 21206 of the California Vehicle Code, local authorities may, by ordinance, regulate the registration of bicycles, "provided such regulation is not in conflict with the provisions of this code." Section 39011 of the California Vehicle Code stipulates that "No fine imposed for any violation of an ordinance or resolution, which is adopted pursuant to this division, shall exceed ten dollars ($10)." There's clearly some discrepancy between the $160 fine being imposed in Los Angles, and the $10 maximum fine allowed by the State, and this discrepancy may be the basis for the LACBC's argument that the Los Angeles ordinance is "unenforceable and illegal." The LACBC reports that it "is currently doing some more research on the actual legality of the Bicycle License Law as written," so hopefully, we'll be hearing more on this issue soon.

One final thought on this ordinance-- the intent of the law is to enable law enforcement to combat bike theft. Is law enforcement actually using the ordinance to fight bike theft-- and if so, what are the results?-- or is law enforcement using the ordinance to harass cyclists whose only "offense" is riding with other cyclists? The public, and the Los Angeles City Council, have a right to know the answer to that question.